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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/171,921 10/29/98 WILLIAMS

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EXAMINER

WM01/0322

NIXON & VANDERHYE
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201-4714

LANEAU, R

ART UNIT

PAPER NUMBER

2674

DATE MAILED:

03/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/171,921

Applicant(s)
Hilary Lyndsay Williams

Examiner
Ronald Laneau

Group Art Unit
2674



☒ Responsive to communication(s) filed on Jan 12, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-76 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-76 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 3/12/01 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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Response to Amendment

1. The amendment filed on 1/12/01 has been entered. Claims 32-76 are added and claims 1-76 are now pending.

Allowable Subject Matter

2. The indicated allowability of claims 12-14, 30, and 31 is withdrawn in view of the newly discovered reference(s) to Andrews and Taguchi et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14, 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (5,902,968) in view of Metroka et al (5,754,645).

As per claim 1, Sato et al teach a portable pen-shaped input which comprises a movement detection to produce an electrical output signal representative of such movement, a means for determining detected movement data defining a user's intention based on the initial inclination angle

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(see col. 5, lines 39-67 and col. 6, lines 1-44). Sato et al do not teach a processing means to provide a mode response selected from a multiplicity of stored possible modes and a display screen but Metroka et al teach a display 106 announced with a synthesized voice, or displayed and announced (see abstract and figure 1).

It would have been obvious to one of ordinary skilled in the art to utilize the display screen as taught by Metroka et al into the device of Sato et al because it would allow a user to see what's being inputted into the device and also it would be very suitable for inputting figures and characters, etc into a data processing.

As per claim 2, Sato et al teach a detection means which comprises at least one acceleration detection means responsive to movement of the computer to produce the output electrical signal as claimed (see figure 1, 2a).

As per claim 3, Sato et al teach a plurality of acceleration detection means to produce an electrical output signal representative to movement in respective directions (see figure 1, 2a-2c).

As per claim 4, Sato et al teach sensors which detect movement in the x and y directions as claimed.

As per claims 5 and 6, the movement detected by Sato et al's device is capable of generating alphanumeric or graphical data and said alphanumeric or graphical data is stored in a data store since using a computer as claimed.

As per claim 7, the pen-shaped input taught by Sato et al is connected to a processing device which receives the output of the alphanumeric or graphical data by the transmitting means.

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As per claim 8, Metroka et al teach a display 106 announced with a synthesized voice, or displayed and announced (see abstract and figure 1) and it certainly can modify the output of the detected movement data.

As per claims 9-11, it would have been obvious to one of ordinary skilled in the art to effect scrolling of displayed information based on detected movement data, to have a relative tilting movement which causes the display information stores as to one or other side of the current display, a rolling movement which causes the display information stored as above or below the current display information for the same reasons given in claim 1.

As per claims 12-14, Sato et al teach a portable pen-shaped input which comprises a movement detection to produce an electrical output signal representative of such movement, a means for determining detected movement data defining a user's intention based on the initial inclination angle (see col. 5, lines 39-67 and col. 6, lines 1-44). Sato et al do not teach a processing means to provide a mode response selected from a multiplicity of stored possible modes but it would have been obvious to one of ordinary skilled in the art to this particular element to Sato et al because it would be very suitable for inputting figures and characters, etc into a data processing.

As per claims 16-22, the examiner's takes the Official notice that a portable device having a user's password, a sound input device, speech or other sound signals, a sound output in combination with a radio transceiver whereby cellular or radio telephony networks, radio transmission or infrared transmission means, transmission of coded signals including a message for display is well known in the art.

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As per claims 23-29, it is also well known to have a processing means responsive to received encoded radio signals to activate a paging alert which comprises a tone, a operation of a vibrating means and that the portable computer houses in a casing shape to facilitate a user holding the computer as a writing stylus.

5. Claims 30-45, 47-72, and 74-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al (5,215,397) in view of Sato et al (5,902,968).

As per claims 30 and 31, Sato et al teach a portable pen-shaped input which comprises a movement detection to produce an electrical output signal representative of such movement, a means for determining detected movement data defining a user's intention based on the initial inclination angle (see col. 5, lines 39-67 and col. 6, lines 1-44). Sato et al do not teach a casing including an angular shaping but Taguchi et al teach a portable computer being housed in a casing shaped to facilitate a user holding the computer as a writing stylus, a casing including an angular shaping being such as to provide a natural viewing angle of the incorporated display while the casing is held as a writing stylus (see figure 1). Neither Sato nor Taguchi et al teach a processing means to provide a mode response selected from a multiplicity of stored possible modes but it would have been obvious to one of ordinary skilled in the art to add this particular element to the combined device of Sato et al and Taguchi et al because it would be very suitable for inputting figures and characters, etc into a data processing.

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As per claims 32, 51, 52, and 63, Taguchi et al teach a portable computer comprising a housing incorporating a visible display screen, a housing which is held in a user's hand (see figure 1). Taguchi et al do not teach a movement detector which produces an electrical output but Sato et al teach a portable pen-shaped input which comprises a movement detection to produce an electrical output signal representative of such movement, a means for determining detected movement data defining a user's intention based on the initial inclination angle (see col. 5, lines 39-67 and col. 6, lines 1-44). Sato et al do not teach a processing means to provide a mode response selected from a multiplicity of stored possible modes but it would have been obvious to one of ordinary skill in the art to this particular element to Sato et al because it would be very suitable for inputting figures and characters, etc into a data processing.

As per claim 33, Sato et al teach a detection means which comprises at least one acceleration detection means responsive to movement of the computer to produce the output electrical signal as claimed (see figure 1, 2a).

As per claim 34, Sato et al teach a plurality of acceleration detection means to produce an electrical output signal representative to movement in respective directions (see figure 1, 2a-2c).

As per claim 35, Sato et al teach sensors which detect movement in the x and y directions as claimed.

As per claims 36, 37, and 64, the movement detected by Sato et al's device is capable of generating alphanumeric or graphical data and said alphanumeric or graphical data is stored in a data store since using a computer as claimed.

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As per claim 38, the pen-shaped input taught by Sato et al is connected to a processing device which receives the output of the alphanumeric or graphical data by the transmitting means.

As per claim 39, the computer processing means taught by Sato et al includes a display screen wherein one can modify the output of the detected movement data.

As per claims 40-45 and 67-72, it would have been obvious to one of ordinary skilled in the art to effect scrolling of displayed information based on detected movement data, to have a relative tilting movement which causes the display information stores as to one or other side of the current display, a rolling movement which causes the display information stored as above or below the current display information for the same reasons given in claim 1.

As per claims 47-50, the examiner's takes the Official notice that a portable device having a user's password, a sound input device, speech or other sound signals, a sound output in combination with a radio transceiver whereby cellular or radio telephony networks, radio transmission or infrared transmission means, transmission of coded signals including a message for display is well known in the art.

As per claims 53-57, it is also well known to have a processing means responsive to received encoded radio signals to activate a paging alert which comprises a tone, a operation of a vibrating means and that the portable computer houses in a casing shape to facilitate a user holding the computer as a writing stylus.

As per claims 58-62, Taguchi et al teach a portable computer being housed in a casing shaped to facilitate a user holding the computer as a writing stylus, a casing including an angular shaping

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being such as to provide a natural viewing angle of the incorporated display while the casing is held as a writing stylus (see figure 1).

As per claims 65 and 66, Taguchi et al teach a handheld computer which is transmitted externally to another data processing device and one can be able to modify the visual display output (see figure 1).

6. Claims 15, 46, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (5,902,968) in view of Andrews (5,757,271).

As per claim 15, Sato et al teach a portable pen-shaped input which comprises a movement detection to produce an electrical output signal representative of such movement, a means for determining detected movement data defining a user's intention based on the initial inclination angle (see col. 5, lines 39-67 and col. 6, lines 1-44). Sato et al do not teach a proximity detection means which provides signal indicative of the proximity of the computer but Andrews teaches a proximity detector that detects whether or not a remote unit is within a proximity of said portable computer (see abstract, col. 8, lines 5-11). Neither Sato nor Andrews teach a processing means to provide a mode response selected from a multiplicity of stored possible modes but it would have been obvious to one of ordinary skilled in the art to add this particular element to Sato et al and Andrews because it would be very suitable for inputting figures and characters, etc into a data processing.

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As per claims 46 and 73, see above rejection to claim 39. Andrews teaches a proximity detector that detects whether or not a remote unit is within a proximity of said portable computer (see abstract, col. 8, lines 5-11).

Response to Arguments

7. Applicant's arguments filed on 1/12/01 have been fully considered but they are not persuasive.

Applicant argues that the Examiner relies on hindsight teachings. It must be recognized that any judgement on obviousness is in a sense a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Further, applicant argues that the examiner has not shown some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Contrary to applicant's arguments, it is not necessary that the references actually suggest expressly or in so many words, the changes or improvements that applicant has made. The test for combining the references is what the references as a whole would have suggested to one of ordinary skill in the art. In *re Shekler*, 168 USPQ 716 (CCPA 1971); *In re McLaughlin* 170 USPQ 209 (CCPA 1971); *In re Young* 159 USPQ 725 (CCPA 1968). As far as the other arguments, they are covered by the newly added references.

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. **Any response to this final action should be mailed to:**

BOX AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

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(703) 305-308-6606, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Ronald Laneau

March 13, 2001



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600